IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1283 OF 2006

IN

CRIMINAL APPEAL NO. 1231 OF 2006

Mohan Lakhanram Choudhary .. Applicant
(Orig.accused No.2)

Vs.

The State of Maharashtra .. Respondent

Mr.M.K.Kocharekar, Advocate, for the the applicant.

Mr. D.P.Adsule, APP, for the State.

CORAM: J.H.BHATIA,J.

DATE : 28th June, 2007

P.C.

1. Heard Mr. Kocharekar, learned Counsel for the applicant and Mr.Adsule, APP, for the State. Perused the record.

2. The applicant seeks to be released on bail pending appeal against the conviction for the offences punishable under Sections 232, 234, 240 read with Section 34 and Section 120-B of I.P.c. and sentenced to undergo R.I. for five years and fine of Rs.1,000/- for each count. He was also convicted under Section 235 read

with Section 34 of I.P.C. wherein he was sentenced to undergo R.I. for one year and to pay fine of Rs.500/-. The substantive sentence of imprisonment on all counts is to run concurrently.

3. According to the prosecution case, in this matter, in all 791 counterfeit coins of Rs.5/- were recovered from the accused persons. Four accused persons were convicted including the present applicant. Some accused were acquitted. Accused Nos.2 and 3 have been granted bail by this Court by the order dated 3.4.2006. I do not see much difference in the evidence against those two accused and the present applicant who is accused No.2. Besides, the applicant is in jail continuously since 21.10.2004 and thus he has already undergone the actual sentence of 2 years and 8 months. Therefore, I find that the applicant may also also granted bail pending appeal.

4. Therefore, the applicant be released on bail on his executing P.R.bond of Rs.25,000/- with one local surety from Greater Mumbai in the same amount subject to further condition that he shall report to the Station House Officer, DCB C.I.D., Unit X, Andheri, Mumbai, once in a month on every first Monday till the final disposal of the Appeal.

Application stands disposed of accordingly.

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(J.H.BHATIA,J.)